

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

OCEAN VIEW ELEMENTARY SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014070383

PARENTS ON BEHALF OF STUDENT,

v.

OCEAN VIEW ELEMENTARY SCHOOL
DISTRICT

OAH Case No. 2014090116

ORDER GRANTING JOINT
STIPULATION TO CONSOLIDATE
CASES

On July 2, 2014, Ocean View Elementary District filed a Request for Due Process Hearing in Office of Administrative Hearings case number 2014070383 (First Case), naming Parents on behalf of Student as respondents.

On September 2, 2014, Student filed a Request for Due Process Hearing in OAH Case number 2014090116 (Second Case), naming Ocean View as respondent.

On September 24, 2014, the parties filed with OAH a Joint Stipulation to Consolidate Cases.

CONSOLIDATION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve common questions of law or fact, specifically, whether Student remains eligible for special education and related services and the appropriateness of Student's education program. In addition, consolidation furthers the interests of judicial economy because the same witnesses would be called in each of the two cases and evidence presented. Accordingly, consolidation is granted.

ORDER

1. The Joint Stipulation to Consolidate Cases is granted. OAH Case Number 2014090116 (Second Case) is designated as the primary case.
2. All dates previously set in OAH Case Number 2014070383 (First Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2014090116 (Second Case).
4. The consolidated cases shall proceed pursuant to the Scheduling Order, dated September 4, 2014, issued in OAH Case Number 2014090116.

DATE: September 26, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings